8.8.2006 **Present: Mr.Ramakant Sharma, Advocate, for the petitioner.**

Mr.Dinesh Kumar, Advocate, for the respondents.

Whereas the learned trial Court in his order dated 22nd July, 2005 had granted temporary injunction in favour of the petitioner-plaintiff, the learned District Judge upsetting this order vide the impugned judgment dated 5th December, 2005 had permitted the respondents to carry out the repairs in the cow-shed. In the course of the judgment passed by the learned District Judge certain observations were made by him qua the aspect relating to the possession of the parties upon the portions of the land on which the cow-sheds were in existence, albeit in a state of disrepair.

Mr.Dinesh Kumar, learned counsel appearing for the respondents states before me today that the respondents have already carried out the repairs in the cow-shed, which is in their possession and that they do not intend to effect any further repairs, or carry out any other work thereupon. Because of this factual development, nothing survives in this petition, which is hereby dismissed.

Before parting, I do wish to observe that even though the learned District Judge has himself observed in the impugned judgment that the observations made therein shall have no bearing upon the merits of the case, I wish to reiterate that the carrying out of the repairs by the respondents, as stated by Mr. Dinesh Kumar, also will not have any consequential bearing at all upon the merits of the suit nor shall be a determinating factor by itself reflecting the possessory claims of the parties. All such questions and issues shall be decided by the trial Court in the suit on their own merits.

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In view of the dismissal of the main petition, the present application is also dismissed.

8th August, 2006 (V.K.Gupta), C.J.
(C)